1949. **File No.** B. P. Education 49

Legal Deptt

B **BRANCH**

Subject:— L.A. Bill No ~~XXVII~~

of 1949. A Bill to amend the Bombay Primary Education Act 1947

Bombay Act No VIII of 1949

P-10/E

File No. B. Primary Education /49

Gen. 194

703-75

Legal Department.

A requisite draft Bill is sent herewith.

For the purpose, in view amendment of section 12 is necessary and the necessary amendment is included in the draft Bill..

The subject-matter of the Bill falls under entry 17 read with entries 13 and 33 in List II in the Seventh Schedule to the Government of India Act, 1935. The Bill does not require any sanction or recommendation. After the Bill is passed, it is not necessary to reserve the Bill for the consideration of the Governor General with reference to section 107(2) of the said Act.

Sd/.....10/3.

Additional Secretary to Government.

U.O. to E. & I.D.No. 2785 dated the 10th March 1949.

DYR.

2/6.

5e.

Submitted for approval & Signature.

13. Bills.

A Bill to amend the Bombay Primary Education Act, 1947.

GOVERNMENT OF BOMBAY.
Legal Department,
Resolution No. 2020
Bombay Castle, 17th March 1949.

RESOLUTION. - The Bill with the Statement of Objects and Reasons should be forwarded to the Manager, Government Central Press, Bombay, for publication in the Bombay Government Gazette, dated the 17th March 1949, as Bill No. XXVII of 1949.

2. The Bill and the Statement of Objects and Reasons should be translated into Marathi, Gujarati, Kannada and Hindustani (in Urdu and Devnagari Scripts) and the translations should be published in the Bombay Government Gazette, on the 22nd March 1949.

3. The dates of the various publications should be reported to the Bombay Legislature Department.

By order of the Governor of Bombay

R.J.Pathare,
Personal Assistant to the Remembrancer of Legal Affairs.

To

The Manager Government Central Press, Bombay (With the Bill and the Statement of Objects and Reasons and with a request that 230 Gazette copies of the Bill and the S.O.R. may be forwarded to the Bombay Legislature Department for distribution to the members of the Bombay Legislative Assembly and 25 copies for the use of the Legal Department and 20 copies for the use of Education and Industries & Department),

Copies Extra. with a copy of the Bill and S.O.R.

DJR.
2/6.
Se.

No. 2821.

Legal Department.

Bombay Castle, 8th April 1949.

From.

J.R.Dhurandhar, Esquire, O.B.E.
Additional Secretary to the Government of Bombay.

To

The Private Secretary to the Governor of Bombay.

Subject: - The Bombay Primary Education(Amendment) Bill, 1949.

Sir,

With reference to section 75 of the Government of India Act, 1935, I am directed to forward herewith for the assent of His Excellency, the Governor an authentic copy of the Bombay Primary Education (Amendment) Bill, 1949, which was read for the third time and passed at the meetings of the Bombay Legislative Assembly and the Bombay Legislative Council held on the 31st March 1949 and on the 5th April 1949, respectively.

2. The subject- matter of the Bill falls under entry 17 as read with entries 13 and 33 in list II in the Seventh Schedule to the Government of India Act, 1935. As the Bill does not relate to any matter enumerated in the Concurrent Legislative List, it is not necessary to reserve the same for the consideration of the Governor General with reference to section 107(2) of the said Act.

3. The date on which His Excellency the Governor's assent is given may kindly be entered in the endorsement.

4. I also forward herewith ~~xxxx~~ one copy of each of the items

1.	Bill as introduced in the Bombay Legislative Assembly with the Statement of Objects and Reasons.	Nos. 1, 2 and 4 and two copies of item No.3 of the paper & notes in the

P.T.O.

~~Enclosure~~

the Bombay Legislative Council.	:	margin.
4. Extracts from the proceedings of the	:	The Bill
Bombay Legislative Assembly and the Bombay	:	was
Legislative Council dated 31st March 1949	:	not
and 5th April 1949, respectively.	:	referred to
		a Select Committee

Yours faithfully,

Sd/.....8/4.

Additional Secretary to the Government
of Bombay, Legal Department.

Through.

The Secretary to the Government of Bombay,
Education and Industries Department.

Submitted after issue.

DYR.
2/6.
5e.

From

L.M.Nanavati, Esquire I.C.S.

Private Secretary to the Governor of Bombay.

To

The Additional Secretary to the Government of Bombay,

Legal Department.

GOVERNMENT HOUSE.

Bombay 11 th April 1949.

Subject:- The Bombay Primary Education(Amendment) Bill, 1949.

Sir,

With reference to your letter No. 3321, dated April 8, 1949, I am directed to return herewith the authentic copy of the Bombay Primary Education (Amendment) Bill, 1949, with His Excellency the Governor's assent signified thereon.

Yours faithfully,

Sd/.....

Private Secretary to the Governor of Bombay.

Bills No. 5457.

B.

12-4-49.

DY3.

L/3.

Je.

Publication of the Bombay Primary Education (Amendment) Act, 1949.

GOVERNMENT OF BOMBAY,
Legal Department,
Resolution No. 4012.

Bombay Castle, 12th April 1949.

Letter to the Private Secretary to the Governor, No.3821, * dated the 6th April 1949.

Letter from the Private Secretary to the Governor, No. P.S.G 1023, dated the 11th April 1949.

* With reference to your letter No. 3821, dated April 6, 1949, I am directed to return herewith the authentic copy of the Bombay Primary Education (Amendment) Bill, 1949, with His Excellency the Governor's assent signified thereon."

RESOLUTION:- The law should be published as Bombay Act No. VIII of 1949, in the Bombay Government Gazette dated the 12th April 1949.

2. The Act should be translated into Marathi, Gujarati, Kannada and Hindustani (in Urdu and Devanagari scripts) and the translations should be published in the Bombay Government Gazette.

3. A copy of the Act should be forwarded to the Education and Industries Department.

By order of the Governor of Bombay,

L.L.Chandiramani,

Assistant Secretary to Government.

To

The Manager, Government Central Press, Bombay(with a copy of the Act and with a request that 30 Gazette copies of the Act may be forwarded to the Legal Department).

Copies Extra.

With a copy of the Act.

DTR.

2/5.

5a.

L. A. BILL No. XXVII OF 1949.

A Bill to amend the Bombay Primary Education Act, 1947.

(As read for the third time and passed by the Legislative Assembly on the 31st March 1949.)

(As read for the third time and passed by the Legislative Council on the 5th April 1949.)

WHEREAS it is expedient to amend the Bombay Primary Education Act, 1947, for the purposes hereinafter appearing; It is hereby enacted as follows :—

Bom. LXI of 1947.

1. This Act may be called the Bombay Primary Education (Amendment) Act, 1949. Short title.

Bom. LXI of 1947.

2. In section 4 of the Bombay Primary Education Act, 1947, hereinafter called the said Act,— Amendment of section 4 of Bom. LXI of 1947.

(*1*) in sub-section (*5*), after clause (*b*) the following clause shall be inserted, namely :—

"(*c*) Notwithstanding anything contained in this sub-section, in the case of a district local board or authorized municipality the term of office of the members or councillors of which expires on or before the 31st day of July 1949, the election of the members of the school board shall not be held by such district local board or authorized municipality, as the case may be, until after the new district local board or the authorized municipality, has been constituted."

MO-I-Bk Hb 16

(*2*) to sub-section (*13*), the following proviso shall be added, namely :—

"Provided that no election shall be held to fill up a vacancy of a member occurring within four months of the date on which the term of office of the members of the school board expires." ;

(*3*) after sub-section (*13*), the following sub-section shall be added, namely :—

"(*14*) During any vacancy the continuing members may act as if no vacancy had occurred."

Amendment of section 12 of Bom. LXI of 1947.

3. In section 12 of the said Act,—

(*1*) in sub-section (*1*)—

(*a*) for the words and figure "on the constitution of a district school board under section 4" the words and brackets "on the date of the coming into force of this Act (hereinafter in this section referred to as 'the said date')" shall be substituted ;

(*b*) for the words "the district local board" where they occur for the first time the words "a district local board" shall be substituted ;

(*c*) for the words "the date on which the school board was constituted" the words "the said date" shall be substituted ;

(*d*) for the words "such date" the words "the said date" shall be substituted ;

(*2*) in sub-section (*2*)—

(*a*) for the words "On a date notified by the Provincial Government in this behalf" the words "On the said date" shall be substituted ;

(*b*) for the words "such date" the words "the said date" shall be substituted ;

(*3*) in sub-section (*3*), for the words, brackets and figure the date notified under sub-section (*2*)" the words the said date" shall be substituted

Government of Bombay

LEGAL DEPARTMENT

[L. A. BILL No. XXVII OF 1949.]

(As read for the third time and passed by the Legislative Assembly on the 31st March 1949.)

(As read for the third time and passed by the Legislative Council on the 5th April 1949.)

Bill to amend the Bombay Primary Education Act, 1947.

[Mr. B. G. KHER, M.L.A.]

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

The following Act of the Bombay Legislature having been assented to by the Governor on the 11th April 1949 is hereby published for general information.

J. R. DHURANDHAR,
Additional Secretary to the Government of Bombay,
Legal Department.

BOMBAY ACT No. VIII OF 1949.

(First published, after having received the assent of the Governor, in the "Bombay Government Gazette" on the 12th April 1949.)

An Act to amend the Bombay Primary Education Act, 1947.

WHEREAS it is expedient to amend the Bombay Primary Education Act, 1947, for the purposes hereinafter appearing; It is hereby enacted as follows :—

Bom. LXI of 1947.

1. This Act may be called the Bombay Primary Education (Amendment) Act, 1949. Short title.

Bom. LXI of 1947.

2. In section 4 of the Bombay Primary Education Act, 1947, hereinafter called the said Act,— Amendment of section 4 of Bom. LXI of 1947.

(*1*) in sub-section (*5*), after clause (*b*) the following clause shall be inserted, namely :—

"(*c*) Notwithstanding anything contained in this sub-section, in the case of a district local board or authorized municipality the term of office of the members or councillors of which expires on or before the 31st day

of July 1949, the election of the members of the school board shall not be held by such district local board or authorized municipality, as the case may be, until after the new district local board or the authorized municipality, has been constituted." ;

(*2*) to sub-section (*13*), the following proviso shall be added, namely :—

" Provided that no election shall be held to fill up a vacancy of a member occurring within four months of the date on which the term of office of the members of the school board expires." ;

(*3*) after sub-section (*13*), the following sub-section shall be added, namely :—

" (*14*) During any vacancy the continuing members may act as if no vacancy had occurred."

Amendment of section 12 of Bom. LXI of 1947.

3. In section 12 of the said Act,—

(*1*) in sub-section (*1*)—

(*a*) for the words and figure " on the constitution of a district school board under section 4 " the words and brackets " on the date of the coming into force of this Act (hereinafter in this section referred to as ' the said date ') " shall be substituted ;

(*b*) for the words " the district local board " where they occur for the first time the words " a district local board " shall be substituted ;

(*c*) for the words " the date on which the school board was constituted " the words " the said date " shall be substituted ;

(*d*) for the words " such date " the words " the said date " shall be substituted ;

(*2*) in sub-section (*2*)—

(*a*) for the words " On a date notified by the Provincial Government in this behalf " the words " On the said date " shall be substituted ;

(*b*) for the words " such date " the words " the said date " shall be substituted ;

(*3*) in sub-section (*3*), for the words, brackets and figure ' the date notified under sub-section (*2*) " the words ' the said date " shall be substituted.

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.